REMARKS

I. Introduction

Applicants add new claims 22-24. Therefore, by this Amendment, claims 1-24 are

pending in the application. Claims 1-21 have been examined and are rejected. Specifically,

claims 1-21 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by newly

cited Chang et al., U.S. Patent No. 6,272,488 (hereinafter "Chang").[1] Additionally, the Examiner

rejects claims 1, 6 (sic: 7) and 13 under 35 U.S.C. § 112, first paragraph.

By way of overview, Applicants traverse the § 102(e) rejection of claims 1-21 and the

§ 112, first paragraph, rejection of claims 1, 7 and 13, as follows.

II. Claim Rejections -- 35 U.S.C. § 112, First Paragraph

The Examiner rejects claim 1 (*see also* claims 7 and 13) under § 112, first paragraph, as

allegedly failing to comply with the written description requirement. In particular, the Examiner

alleges that the step of "receiving a request for data at a federated data source" (*see* claims 1, 7

and 13) was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventors, at the time the application was filed, had possession

of the claimed invention. Applicants respectfully disagree.

For example, Applicants' specification discloses a federated data source (*i.e.*, federated

datastore 100) that coordinates query evaluation, data-access and transaction processing of the

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[1] Applicants note that Chang is listed as a related application on page 2 of the present application.

participating heterogeneous datastores 102 (Applicants' specification: page 8, lines 29-30; and

Fig. 1). In this manner, users can interact with the federated datastore 100 using a federated

schema, without needing to know about the individual datastores 102 that participate in the

federated datastore 100 (Applicants' specification: page 8, lines 9-13; and Fig. 1).

Furthermore, as noted in Applicants' specification, when a federated search request is

submitted by a user, the federated datastore will consult the primary node in a server hierarchy to

locate a server with the proper type and allowable loads (Applicants' specification: page 45, lines

29-30; and Fig. 9: 900, 902 and 904). Then, the federated data store will direct the request for

data to the selected server (Applicants' specification: page 45, line 30 to page 46, line 1; and Fig.

9: 906).

For at least these exemplary reasons, Applicants' specification complies with 35 U.S.C.

§ 112, first paragraph, in that it contains "a written description of the invention, and of the

manner and process of making and using it, in such full, clear, concise, and exact terms as to

enable any person skilled in the art to which it pertains, or with which it is most nearly

connected, to make and use the same and shall set forth the best mode contemplated by the

inventor of carrying out his invention". In particular, the step of "receiving a request for data at a

federated data source", as recited in claim 1 (*see also* claims 7 and 13), is sufficiently described

in Applicants' specification so as to reasonably convey to one skilled in the relevant art that

Applicants, at the time the application was filed, had possession of the claimed invention.

Consequently, Applicants respectfully request that the Examiner withdraw the § 112, first

paragraph, rejection of claims 1, 7 and 13.

III. Claim Rejections -- 35 U.S.C. § 102(e)

Claims 1-21 stand rejected under § 102(e) as allegedly being anticipated by Chang.

Claims 1, 7 and 13

Claim 1 recites, *inter alia*, "selecting a server to process the request based on a load of the server and based on whether the server can satisfy the request for data, said server connected to one or more heterogeneous datastores" (*see also* claims 7 and 13). Chang does not disclose or suggest all of these claimed features.

Instead, Chang relates to searching multiple heterogeneous datastores and managing the results of such searches (Chang: col. 1, lines 8-13). Chang describes searching multiple heterogeneous datastores with heterogeneous data types by employing an object oriented data model to define a federated query object, a federated collection object and a federated datastore object (Chang: Abstract). The federated query object translates a generic query into the appropriate queries for each datastore, the federated datastore object acts as a virtual datastore for multiple heterogeneous datastores with the ability to map concepts between datastores, and the federated collection object represents results from a federated query in a hierarchy that maintains sub-grouping information from each datastore to allow accessing of results by datastore or as a single collection of results (*Id.*).

Chang does not disclose or suggest "selecting a server to process the request based on a load of the server . . .", as recited in claim 1 (*see also* claims 7 and 13). Contrary to the Examiner's allegations, the calling of an "evaluate" method on a datastore 9 while supplying a

query string and other parameters, or a query object 13, as described in Chang (*see* Chang: col. 8, lines 35-65), does not in any way relate to load balancing among servers in a server hierarchy. Indeed, Chang does not disclose or suggest any mechanism for load-balancing among servers in a server hierarchy. Conversely, for example, the claimed invention optimally directs a request to a server of the appropriate type, capability and capacity (*e.g.*, load) for handing the request so as to achieve an optimal load balancing among the servers.

For at least these exemplary reasons, claims 1, 7 and 13 are not anticipated by Chang.

Claims 2-6, 8-12 and 14-21

Consequently, claims 2-6, 8-12 and 14-21 are not anticipated by Chang, at least by virtue of their dependency.

IV. New Claims 22-24

Applicants add new claims 22-24 to obtain an expanded scope of protection. Applicants respectfully submit that claims 22-24 are patentable at least by virtue of their dependency.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

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